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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,612	09/12/2001	Ping Liu	034300-172	8236
7590 07/01/2005			EXAMINER	
ROBERT E. KREBS THELEN REID & PRIEST LLP P.O. BOX 640640 SAN JOSE, CA 95164-0640			CAO, CHUN	
			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,612

Applicant(s)

LIU, PING

Examiner

Chun Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10 and 12-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 12-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

RD

FINAL REJECTION

1. Claims 1, 2, 4-10 and 12-24 are remained and presented for examination in this application.
2. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.
3. The rejections are respectfully maintained and reproduced infra for applicant's convenience.
4. Claims 1, 2, 4-10 and 12-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller et al. (Fuller), U.S. patent no. 5,768,605 in view of Johnson et al. (Johnson), U.S. patent no. 6,573,868.

As per claim 1, Fuller discloses power control for a peripheral device insertable into a host device [figures 5-7], the power control comprising:

a switch [350, fig. 7] configured to generate a signal that simulates an insertion and removal of the peripheral device within the host device such that power from the host device will be supplied to the peripheral device when simulating the peripheral device is inserted into the host device and power will be removed from the peripheral device when simulating the peripheral device is removed from the host device [figs. 5-7; col. 5, lines 25-38];

wherein the peripheral device is not physically inserted or removed from the host device [col. 1, line 64-col. 2, line 15; col. 4, lines 18-26];

Wherein the switch is configured to generate the inserted signal upon extension of a retractable communication connector [364, fig. 7] of the peripheral device and

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configured to generate the removed signal upon retraction of the retractable communication connector [col. 5, lines 25-38].

Fuller does not explicitly disclose that the switch is generated a signal base on the position of an antenna whether supply power to the peripheral device.

However, Johnson discloses that a switch [figures 6a, 6b] is configured to generated a signal base on the position of an antenna whether supply power to the peripheral device [figures 12a, 12b; col. 13, lines 1-15; col. 15, line 66-col. 16, line 12; col. 16, lines 42-47].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Fuller and Johnson, because they teach a communication PC card and the specific teaching of Johnson that would improve the functionality of Fuller's system by performing a wireless communication using an antenna.

As per claim 2, Fuller discloses that the switch is configured to generate an inserted signal simulating insertion of the peripheral device and a removed signal simulating removal of the peripheral device [figs 5-7; col. 4, lines 34-48; col. 4, line 61-col. 5, line 9; col. 5, lines 25-38].

As per claim 4, Fuller discloses that the switch is electrically connected to detecting pins of the host device, the detecting pins determining whether the peripheral device is inserted or removed from the host device [fig. 7; col. 5, lines 11-38].

As per claim 5, Fuller discloses that the switch is operative to generate an open circuit as the removed signal and a low voltage level as the inserted signal [figs 5-7; col. 4, lines 34-45; col. 5, lines 2-9].

As per claim 6, Fullers discloses that the low voltage level is a ground potential [figs 5-7; col. 4, lines 34-45; col. 5, lines 2-9].

As per claim 7, Fullers discloses that the switch includes a lever which detects the position of the antenna in order to generate the inserted and removed signals [fig. 7; col. 5, lines 10-38].

As per claim 8, Fullers discloses that the peripheral device is a PCMCIA card [figs. 2a, 2b; col. 5, lines 11-12].

As to claims 9, 10 and 12-15, Fuller and Johnson teach the claims 1, 2 and 4-8 which basically are the corresponding elements that are carried out the method of operating steps in claims 9, 10 and 12-15. Accordingly, claims 9, 10 and 12-15 are rejected for the same reason as set forth for claims 1, 2 and 4-8.

As to claims 16-24 are written in mean plus function and contained the same limitations as claims 1, 2 and 4-8. Therefore, same rejection is applied.

5. Applicant's arguments filed 4/25/2005 have been fully considered but are not persuasive.

6. In the remarks, applicants argued in substance that there is not motivation to combine the teachings of both Fuller and Johnson references.

7. The examiner respectfully traverses. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or

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motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Fuller fails to disclose that the switch is generated a signal base on the position of an antenna whether supply power to the peripheral device. However, Johnson discloses that a switch [figures 6a, 6b] is configured to generated a signal base on the position of an antenna whether supply power to the peripheral device [figures 12a, 12b; col. 13, lines 1-15; col. 15, line 66-col. 16, line 12; col. 16, lines 42-47]. It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Fuller and Johnson, because they both teach a communication PC card and the specific teaching of Johnson that would improve the functionality of Fuller's system by performing a wireless communication using an antenna other than using a wired communication.

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chun Cao

June 29, 2005